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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/359,809	07/23/99	LEVY	R 01064.0011-0

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EXAMINER

MEDLEY, M

ART UNIT

PAPER NUMBER

1714

DATE MAILED:

07/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/357,809

Applicant(s)

LEVY

Examiner

MEDLEY

Group Art Unit

1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 and 57-71 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1 and 57-71 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, is drawn to a process for manufacturing a lubricant composition comprising combining a superabsorbent polymer with a material for decreasing friction between moving surfaces, classified in class 508, subclass 110+ depending on the friction material.
- II. Claims 57 and 58 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water... wherein the friction material is a petroleum oil lubricant or grease thereof, and optionally a lubricant additive, classified in class 508, subclass 463+.
- III. Claims 57 and 59-60 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water.... wherein the friction material is a solid lubricant which is an inorganic compound, carbon or metal, and optionally a lubricant additive, classified in class 508, subclass 113+.
- IV. Claims 57 and 61-62 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water.... wherein the friction material is a solid organic lubricant which is a fluoroalkylene homopolymer... copper phthalocyanine, or mixtures thereof, and optionally a lubricant additives, classified in class 508, subclass 181+.

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- V. Claims 57 and 63 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water... wherein the friction material is water containing a lubricant additive, classified in class 508, subclass 110+.
- VI. Claims 57 and 64 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water... wherein the friction material is an oil or grease thereof and water, and a lubricant additive, classified in class 508, subclass depending on the selected type of oil or grease.
- VII. Claims 57 and 65-66 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water... wherein the friction material is a solid lubricant and water, and a lubricant additive, classified in class 508, subclass 110+.
- VIII. Claims 57 and 67-68 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water... wherein the friction material is a phosphate which is Zn P, Fe P or Mn P or mixture thereof, and optionally a lubricant additive, classified in class 508, subclass 161.
- IX. Claims 57 and 69 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water...

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wherein the friction material is a fatty oil, fatty acid, or wax, and optionally a lubricant additive, classified in class 508, subclass 459+.

X. Claims 57 and 70 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water....

wherein the friction material is a synthetic oil lubricant, or grease thereof, and optionally a lubricant additive, classified in class 508, subclass 201+.

XI. Claims 57 and 71 are, drawn to a lubricant composition consisting essentially of a superabsorbent polymer that absorbs more than 100 times its weight in water wherein the friction material is a soap, and optionally a lubricant additive, classified in class 508, subclass 452+.

The inventions are distinct, each from the other because:

Inventions I and II-XI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I and II-XI are not disclosed as capable of use together. The process of Group I is not able to make the lubricant compositions of Groups II-XI.

In the case of II and III-XI, the composition of II with a petroleum oil or grease thereof friction material is not the friction material of III-XI.

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In the case of III and, II and IV-XI, the composition of III with a solid lubricant which is an inorganic compound, carbon or metal friction material is not the friction material of II and IV-XI.

In the case of IV and, II-III and V-XI, the composition of IV with water containing a lubricant additive as a friction material is not the friction material of II-III and V-XI.

In the case of V and, II-IV and VI-XI, the composition of V is a solid lubricant and water, and a lubricant additive friction material which is not the friction material of II-IV and VI-XI.

In the case of VI and, II-VI and VIII-XI, the composition of VI is an oil or grease thereof and water and a lubricant additive friction material which is not the friction material of II-V and VII-XI.

In the case of VII and, II-VI and VIII-XI, the composition of VII is a solid lubricant and water friction material which is not the friction material of III-VI and VIII-XI.

In the case of VIII and, II-VII and IX-XI, the composition of VIII is a phosphate which is Zn P, Fe P or Mn P or mixture thereof friction material which is not the friction material of II-VII and IX-XI.

In the case of IX and, II-VIII and X-XI, the composition of IX is fatty oil, fatty acid, or wax friction material which is not the friction material of II-VIII and X-XI.

In the case of X and, II-IX and XI, the composition of X is a synthetic oil lubricant, or grease thereof which is not the friction material of II-IX and XI.

In the case of XI and, II-X, the composition of XI is a soap friction material which is not the friction material of II-X.


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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to Margaret B. Medley at telephone number (703) 308-2518.


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07-05-00